

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

FEB - 4 2022

David Beasley

Petitioner

v.

Case No.

(Supplied by Clerk of Court)

Warden Lamine N'Diaye, FCI Fort Dix

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: David Beasley
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: FCI Fort Dix
(b) Address: PO Box 2000, Joint Base MDL, NJ 08640
(c) Your identification number: 11689-026
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Northern District of Mississippi, Aberdeen, MS
(b) Docket number of criminal case: 2:10-cr-00078
(c) Date of sentencing: 8/2/11
☐ Being held on an immigration charge
☐ Other (explain):

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☒ Disciplinary proceedings
☐ Other (explain):

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: **Federal Correctional Institute Fort Dix**
 (b) Docket number, case number, or opinion number: **N/A**
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
The finding of guilt for "possession of a hazardous tool" unjustly violated my 5th, 14th and 8th Amendment protections
 (d) Date of the decision or action: **March 11, 2021**

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: **Northeast Regional Director**
 (2) Date of filing: **March 26, 2021**
 (3) Docket number, case number, or opinion number: **Appeal #1081155-R3**
 (4) Result: **Finding of DHO affirmed**
 (5) Date of result: **9/17/21**
 (6) Issues raised: **See Memorandum in Support**

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: **Federal Bureau of Prisons
General Counsel's office**
- (2) Date of filing: **10/9/21**
- (3) Docket number, case number, or opinion number: **Unknown**
- (4) Result: **No response after required response time expired**
- (5) Date of result: **N/A**
- (6) Issues raised: **See Memorandum in Support**

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court:
- (2) Date of filing:
- (3) Docket number, case number, or opinion number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

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If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody:
- (b) Date of the removal or reinstatement order:
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing:
- (2) Case number:
- (3) Result:
- (4) Date of result:
- (5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court:
- (2) Date of filing:
- (3) Case number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application:
- (b) Name of the authority, agency, or court:

- (c) Date of filing:
- (d) Docket number, case number, or opinion number:
- (e) Result:
- (f) Date of result:
- (g) Issues raised:

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Due process was violated when Petitioner was found guilty of "possession of a hazardous tool" and Petitioner's 8th Amendment protections were abused

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

See Attached Memorandum in Support

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: There was insufficient evidence to support a finding of guilt.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

See Attached Memorandum in Support

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: The DHO did not represent an independent, impartial decision-making body.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

See Attached Memorandum in Support

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

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GROUND FOUR: N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: See Memorandum in Support

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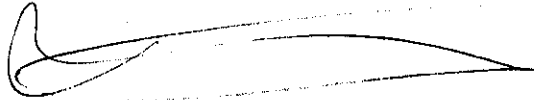
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

1/26/22



Signature of Petitioner

Signature of Attorney or other authorized person, if any